

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GENTRY CARL LABUFF,

Defendant.

CR 10-23-GF-BMM

**ORDER**

This case was referred to United States Magistrate Judge John Johnston for a revocation hearing and findings and recommendations. Judge Johnston entered his findings and recommendations on March 9, 2016. Defendant admitted he had violated Standard Condition 2 of his supervised release by failing to report to his probation officer as directed, he had violated Standard Condition 6 of his supervised release by failing to notify his probation officer prior to his change in address, and he had violated Special Condition 1 of his supervised release by failing to report for urinalysis testing. Judge Johnston found the admissions sufficient to establish the supervised release violations. He recommended that this Court revoke Defendant's supervised release and commit him to the custody of the United States Bureau of Prisons for a term of imprisonment of four months, with 28 months of supervised release to follow. Judge Johnston also recommended that Defendant's supervised release conditions be amended to include a condition

requiring the Defendant to reside in a residential reentry center for 180 days.

No objections were filed by either party. Judge Johnston's findings and recommendations are therefore reviewed for clear error. *McDonnell Douglas Corp. Commadore Bus. Mach, Inc.*, 656 F.2d 1309, 1319 (9th Cir. 1981).

This Court agrees with Judge Johnston's findings. Defendant admitted he had violated Standard Conditions 2 and 6, and Special Condition 1. Defendant could be incarcerated for up to 24 months, followed by 32 months of supervised release less any custody time imposed. The United States Sentencing Guidelines call for a term of imprisonment of four to ten months. A sentence of four months in custody, followed by 28 months of supervised release is appropriate. The sentence is sufficient but not greater than necessary.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 145) are ADOPTED in full and Judgment shall be entered accordingly.

DATED this 24th day of March, 2016.



Brian Morris  
United States District Court Judge